

Legal Environment

Freedoms of expression, media freedom, and the right to access government information are guaranteed under Article 100 of Norway's constitution. Defamation can be punished with prison terms, though the relevant penal code provisions are rarely enforced. The penal code also prohibits hateful expression, which is punishable by up to three years in prison. In March 2013, the offense of threats made online was incorporated into the penal code and made equivalent to offline threats. Also that year, anti-Semitic hate crimes were assigned an independent category in police reports to facilitate the collection of data on the phenomenon. This came after a 2012 poll showed a rise in anti-Semitic attitudes, which prompted the Organization for Security and Co-operation in Europe to criticize Norwegian officials for failing to address the issue adequately.

Leaks related to the 2011 terrorist attack carried out by far-right, anti-immigrant militant Anders Behring Breivik have led to a series of rulings on protection of journalists' sources. In October 2013, the Supreme Court determined that an editorial director from NRK, the public broadcaster, did not have to reveal the name of the source who had provided confidential police material about the Breivik case. Also that month, the Supreme Court found that confidential phone numbers and mobile data could be used as evidence in a criminal case, even when they may reveal communications between journalists and sources. The decision concerned a case in which lawyer Sigurd Klomsæt was charged with leaking confidential police material about the Breivik investigation to the media. He was acquitted in Oslo District Court in March 2013, then convicted by the Court of Appeal in February 2014 thanks to the admission of data from three mobile phones at his office, which showed that unnamed journalists were contacting the office at the same time prosecutors said the leak took place. Klomsæt was fined about \$4,000. In April 2014, the Supreme Court rejected his appeal.

The 2006 Freedom of Information Act provides for access to government documents, and the public can request data through an online access portal, the Offentlig Elektronisk Postjournal (OEP). The law includes exemptions to the right of access that protect information concerning the bases for internal decisions made by state authorities, as well as state security and certain foreign policy interests. Investigative journalists have complained that senior government officials use various tactics to avoid or delay press inquiries that would expose negligence or wrongdoing. Journalist Kristoffer Egeberg noted such behavior in his 2014 investigation into the sale of former Norwegian naval vessels to a Nigerian warlord.

However, the information law itself is considered relatively strong, and the courts have upheld the public's right to know. In March 2013, the Supreme Court determined that the press and public should gain access to newly surfaced documents and recordings related to a famous 1985 espionage case against diplomat Arne Treholt. In 2011, several media outlets had brought a joint suit against the government to gain access to the information, after the Norwegian Police Security Service cited national security concerns in refusing their requests. The materials were released in March 2014, reportedly revealing flaws in the Treholt verdict.

In a September 2014 ruling on surveillance issues, the Norwegian Data Protection Authority (DPA) found that an army intelligence unit had violated the privacy rights of nine journalists by collecting information on them following an investigative story published in a daily newspaper in 2011.

Political Environment

The Norwegian media are generally free of censorship or undue political pressure on editorial policy, and journalists are able to perform their work without physical obstructions. Violence against journalists and media outlets is rare, but there have been some threats from Islamist extremists in recent years. In February 2014, Ubaydullah Hussein, founder of the extremist group Prophet's Ummah, was sentenced to 120 days in jail for hate speech and threatening two journalists; he was released due to time served. In 2012, an Oslo court convicted two men of plotting to attack the Danish paper *Jyllands-Posten*, which in 2005 had published cartoons of the prophet Muhammad that sparked controversy across Europe and the Muslim world. The men had also planned to attack one of the cartoonists.

Economic Environment

Norway has one of the highest rates of newspaper readership in the world, and features more than 200 newspapers that express a diversity of opinions, many of which are openly partisan. Media concentration is a concern, with three main companies dominating the print sector. Many of the major papers, including *VG*, *Aftenposten*, *Bergens Tidende*, *Stavanger Aftenblad*, and *Fædrelandsvennen*, are owned by Schibsted Norge, a successor to the consortium Media Norge that was formed in 2009 after a protracted struggle with the Norwegian Media Authority due to concerns over its size. Competition is still strong, even though the economic downturn that began in 2008 hurt the advertising market. The public broadcaster NRK, financed by a license fee, is dominant in both radio and television, but there is considerable competition from private broadcasters such as TV2.

There are no significant restrictions on the means of news production and distribution. Norway fully adopted digital television broadcasting in 2009, and radio will be transitioning to digital transmission by 2017, when most FM signals will be switched off. The new technology is expected to result in more radio channels, lower transmission costs, more stable reception, and more even coverage for urban and rural populations. With digital radio there will also be no obligation to broadcast certain content; FM licenses included requirements to provide cultural programming and content for children and minority groups. After 2017, small local stations may continue to broadcast on FM to account for possible unintended consequences of digitalization that would put them at a disadvantage. About half of Norwegian radio listeners were already accessing digital radio by late 2014.

The government does not restrict use of the internet, and it was accessed by 96 percent of the population as of 2014.